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Atty. Docket No. 4301-1005-1

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Werner Josef FRANTSITS

Confirmation No. 3705

Serial No. 10/085,000

GROUP 1614

Filed March 1, 2000

Examiner Brian Yong S. KWON

AQUEOUS FORMULATION OF BETA CAROTENE

RESPONSE

Commissioner for Patents

Washington, D.C. 20231

Sir:

Responsive to the Official Action of June 24, 2002, it is respectfully requested that the above-identified application be reexamined and reconsidered in the manner provided in 37 C.F.R. § 1.112, and in light of the remarks that follow.

R E M A R K S

In the outstanding Official Action, claims 1-13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over KOLTER et al. in view of CALOIANU et al. and END et al. This rejection is respectfully traversed.

KOLTER et al. is related to stable aqueous solubilizates, which are suitable for parenteral administration, of carotenoids and vitamins which are prepared with the aid of nonionic emulsifiers.